

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

DANIEL C. CARTER,

Plaintiff,

v.

WASHINGTON DEPARTMENT OF  
CORRECTIONS, ELDON VAIL,  
RONALD FRAKER, BRENT  
CARNEY, JAY A. JACKSON, and  
JAMIE CALLEY,

Defendants.

No. C11-5626 RJB/KLS

ORDER GRANTING LEAVE TO FILE  
LATE REPLY

Pending before the Court is Defendants' motion for summary judgment, which is presently noted for November 16, 2012. ECF No. 38. Therefore, Plaintiff's response to the motion was due on November 12, 2012. On November 16, 2012, Plaintiff filed a motion for leave to file his reply brief past the deadline. ECF No. 41. He also filed a Declaration, which appears to be his response in opposition to Defendants' motion for summary judgment. ECF No. 42. Plaintiff states that he attempted to mail his response in a timely manner, but it was returned to him by prison authorities for failure to attach a "postage transfer" form. *Id.*

Accordingly, it is **ORDERED**:

(1) Plaintiff's motion for leave to file reply (ECF No. 41) is **GRANTED**. The Court will consider the Declaration (ECF No. 42) as having been timely filed.

1 (2) Defendants may file a reply **on or before December 10, 2012**. The Clerk is  
2 directed to **re-note** Defendants' motion for summary judgment (ECF No. 38) for **December 10,**  
3 **2012**.

4 (3) The Clerk shall send copies of this Order to Plaintiff and to counsel for  
5 Defendants.  
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8 **DATED** this 30th day of November, 2012.  
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11 Karen L. Strombom  
12 United States Magistrate Judge  
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